

We advocate a comprehensive and enlarged child welfare program.

We condemn the law legalizing race track gambling and favor its repeal.

We favor submission to a vote of the people of the question of repeal, revision or modification of State constitutional prohibition.

To accomplish these great purposes we invite the patriotic cooperation of the Legislature and the sympathetic support of all Texas citizens. With an unselfish devotion to the welfare of the State and its people we can make effectual these progressive proposals "within the broad lines of existing institutions."

SENATE RETIRES

At the conclusion of the address the Senate retired to its Chamber.

ADJOURNMENT

On motion of Mr. Beck, the House, at 4 o'clock p. m., adjourned until 2 o'clock p. m., tomorrow.

EIGHTH DAY

(Thursday, January 17, 1935)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Cowley
Adamson	Craddock
Adkins	Crossley
Aikin	Daniel
Alexander	Davis
Alsup	Davison of Fisher
Atchison	Davisson
Beck	of Eastland
Bergman	Dickison
Bourne	Dunagan
Bradbury	Dunlap of Hays
Bradford	Dunlap of Kleberg
Broyles	Duvall
Burton	England
Butler of Brazos	Fain
Butler of Karnes	Farmer
Cagle	Fisher
Caldwell	Fitzwater
Calvert	Ford
Canon	Fox
Celaya	Frazer
Clayton	Fuchs
Collins	Gibson
Colquitt	Glass
Colson	Good
Cooper	Graves

Gray	Moore
Greathouse	Morris
Hankamer	Morrison
Hardin	Morse
Harris of Archer	Newton
Harris of Dallas	Nicholson
Hartzog	Olsen
Head	Padgett
Herzik	Patterson
Hill	Payne
Hodges	Petsch
Hofheinz	Pope
Holland	Quinn
Hoskins	Reader
Howard	Reed of Bowie
Huddleston	Reed of Dallas
Hughes	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Hyder	Roane
Jackson	Roark
James	Roberts
Jefferson	Rogers
Jones of Atascosa	Russell
Jones of Falls	Rutta
Jones of Runnels	Scarborough
Jones of Shelby	Settle
Jones of Wise	Shofner
Keefe	Smith
Knetsch	Spears
Lange	Stanfield
Lanning	Steward
Latham	Stinson
Leath	Stovall
Lemens	Tarwater
Leonard	Tennyson
Lindsey	Thornton
Lotief	Venable
Lucas	Waggoner
Luker	Wells
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
McKee	Young
Moffett	Youngblood

Absent

Dwyer	Walker
Palmer	

Absent—Excused

Ash	Tillery
King	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. King for today, on motion of Mr. Howard.

Mr. Tillery for today, on motion of Mr. Adkins.

(Mr. Morse in the Chair.)

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Tennyson, Mr. Moffett, Mr. Harris of Archer, Mr. Jones of Atascosa, Mr. McFarland, Mr. Walker, Mr. Settle, Mr. Butler of Brazos, Mr. Clayton, Mr. Wood of Montague, Mrs. Hughes, Mr. Graves, Mr. Hankamer, Mr. Stovall, Mr. McConnell, Mr. Padgett, Mr. Ford, Mr. Alexander, Mr. Davison of Fisher, Mr. McCalla, Mr. Howard, Mr. Russell, Mr. Westfall, Mr. Leonard, Mr. Tillery, Mr. Shofner, and Mr. McKee:

H. B. No. 168, A bill to be entitled "An Act providing for the issuance of three million five hundred thousand dollars (\$3,500,000) of Texas Relief Bonds, Fourth Series, under Section 51a, of Article 3 of the Constitution of the State of Texas; providing the terms of the bonds, and the method of sale thereof by the Texas Bond Commission; providing for the disposition of the proceeds of the sale of said bonds; prohibiting borrowing in anticipation of future issuance of bonds and defining such act as high crime and misdemeanor; providing a method of retirement of said bonds and the interest thereon and making an appropriation therefor, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Celaya and Mr. Leonard:

H. B. No. 169, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than seventy-seven thousand, and not more than seventy-seven thousand six hundred, according to the preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

Referred to Committee on Education.

By Mrs. Hughes:

H. B. No. 170, A bill to be entitled "An Act amending Article 3610 of the Revised Civil Statutes of the State of Texas, 1925, providing for notices of sale of real estate under deeds of trust, manner of giving notice, contents of same, affidavit of mailing notice, place of sale; providing for setting aside sale; repealing all laws in conflict; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Roane:

H. B. No. 171, A bill to be entitled "An Act amending Article 1436 of the 1925 Revised Civil Statutes of Texas by making an addition thereto designated as Article 1436a, requiring any gas, electric current or power corporation that has entered upon, or may hereafter enter upon, and appropriated the lands or property of any private person, to furnish and deliver to such person, on such lands, such gas, electric current or power as such person may desire at the same rate of charge therefor as charged by said corporation to other persons in the nearest incorporated city or town to the lands crossed, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Lindsey:

H. B. No. 172, A bill to be entitled "An Act repealing Senate Bill No. 866, Chapter 185, and House Bill No. 104, Chapter 84, Acts of the Forty-third Legislature in its Regular Session in 1933, and to amend Sections 1, 2, and 6, Chapter 148 of the General Laws passed by the Forty-second Legislature in its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas Parks Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Patterson and Mr. Lemens:

H. B. No. 173, A bill to be entitled "An Act amending Article 5449, Revised Civil Statutes of 1925, so as to provide that recorded judgment lien shall continue for ten years from date of record and index."

Referred to Committee on Judiciary.

By Mr. Jones of Atascosa:

H. B. No. 174, A bill to be entitled "An Act to amend Article 2203 of Chapter 8 of Title 42 of the Revised Civil Statutes of Texas, 1925, relating to the verdict of juries in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court and five jurors concurring may render a verdict in the county court, county court at law and courts of justices of the peace and repealing all laws in conflict herewith."

Referred to Committee on Judiciary.

By Mr. Jefferson, Mr. Young, Mr. Thornton, Mr. Celaya, Mrs. Moore, and Mr. Hoskins:

H. B. No. 175, A bill to be entitled "An Act providing for the gathering of statistical information on the catch of the various marine products along the Texas coast; providing a penalty and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Howard, Mr. Hofheinz, Mr. Holland, Mr. Colquitt, and Mr. McCalla:

H. B. No. 176, A bill to be entitled "An Act to amend Article 4736 of the Revised Civil Statutes of the State of Texas, providing for the assessment of a penalty against life insurance, accident insurance, life and accident, health and accident, or, life, health and accident insurance companies in case of failure to pay any loss within thirty days after the demand therefor, and providing for twelve per cent damages on the amount of such loss, together with reasonable attorney fees, for the prosecution and collection of such loss, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Gray:

H. B. No. 177, A bill to be entitled "An Act to amend Article 5561 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature at its First Called Session, and found in the published records of said Session, Chapter 101, pages 243-244, and as further amended by the Forty-third Legislature at its Regular Session as found in the published laws of said Session, Chapter 200, page 603, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Luker:

H. B. No. 178, A bill to be entitled "An Act to amend Section 1, Chapter 56, Acts of the Fortieth Legislature, Article 7589a, Vernon's Revised Civil Statutes, respecting the diversion of the natural flow of surface waters or permitting such diversion to continue or impound such waters or permit the impounding thereof to continue in such manner to damage property of another by the overflow of such diverted or impounded waters and providing for damages at law and in equity occasioned thereby, and providing that this Act shall in no way affect the construction and maintenance of levees or other improvements for controlling overflows and freshets in rivers, etc."

Referred to Committee on Conservation and Reclamation.

By Mr. Pope:

H. B. No. 179, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being reconstructed by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary line of McMullen County, etc., and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Dunlap of Hays and Mr. Farmer:

H. B. No. 180, A bill to be entitled "An Act to amend Section 5 of Chapter 88, of the Acts of the Second Called Session of the Forty-first Legislature, relating to the licensing of passenger motor vehicles, motorcycles, and side cars; providing a license fee therefor, fixing the effective date of this Act, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hoskins:

H. B. No. 181, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas patriots and providing for monuments for such patriots, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Roane:

H. B. No. 182, A bill to be entitled "An Act validating the proceedings whereby Howth Common School District No. 5 and Cedar Creek Common School District No. 4 and Louisville Common School District No. 6 and Laneview Common School District No. 7, all of Waller County, Texas, were annexed to Hempstead Independent School District, etc., and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Shofner:

H. B. No. 183, A bill to be entitled "An Act to amend Chapter 194, page 594, Acts of the Regular Session of the Forty-third Legislature, to prohibit the purchase or the contract to purchase any passenger automobiles by any State officials or employees to be paid for out of the funds of the State of Texas, or for any department thereof, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Alexander, Mr. Jefferson, and Mr. Spears:

H. B. No. 184, A bill to be entitled "An Act amending Article 6280, Revised Civil Statutes of Texas, 1925; providing for penalties for violation of this Act, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Jefferson, Mr. Reader, Mr. Dickison, and Mr. Spears:

H. B. No. 185, A bill to be entitled "An Act to amend Section 15, paragraph 3, of the Acts of the Regular Session of the Forty-third Legislature, relating to the appointment of grand jury bailiffs of the Criminal District Court of Bexar County."

Referred to Committee on Judiciary.

By Mr. McKee, Mr. Knetsch, Mr. Nicholson, Mr. Hankamer, Mr. Lemens, and Mr. Lindsey:

H. B. No. 186, A bill to be entitled "An Act amending Title 42, Chapter 4, Revised Civil Statutes of the State of Texas, by adding thereto a new article to be known as Article 2071a,

to be cumulative of all other articles contained in Title 42, Chapter 4, providing for a cost deposit upon the commencement of suits, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Jones of Runnels, Mr. Great-house, Mr. Lindsey, Mr. Glass, Mr. Roach of Angelina, Mr. Head, Mr. Fuchs, Mr. Fisher, and Mr. Davison of Fisher:

H. B. No. 187, A bill to be entitled "An Act to provide for creating Firemen's Relief and Pension Fund in the State of Texas and in all incorporated cities and towns thereof, having a regularly organized fire department with fire fighting equipment or apparatus of the value of one hundred dollars (\$100) or more therein; levying and assessing a designated tax of 2.6 per centum of all gross insurance premium receipts, less return premiums paid policyholders, collected or received from all fire and other kinds of insurance, except life insurance, and appropriating the proceeds of such tax to such Firemen's Relief and Pension Fund, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Hunter, Mr. Lemens, Mr. Adamson, and Mr. Waggoner:

H. B. No. 188, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the 'county and district road highway fund,' etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mrs. Hughes:

H. B. No. 189, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State board of examiners for the licensing of persons to carry on and to teach such practice, to insure the better education of such practitioners, etc., and declaring an emergency."

Referred to Committee on Public Health.

RELATIVE TO THE CONSIDERATION OF APPROPRIATION BILLS

Mr. Fain offered the following resolution:

H. C. R. No. 15, Concerning consideration of appropriation bills.

Whereas, Article 3, Section 48, of the Constitution of Texas provides that the "Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenue sufficient for the economical administration of the government"; and

Whereas, The deficit at the end of the fiscal year, August 31, 1935, for the General Revenue, Pension and Available School Funds has been estimated to approximate the stupendous sum of fifteen million dollars (\$15,000,000); and

Whereas, One of the most important duties of this Regular Session of the Forty-fourth Legislature will be to provide for the maintenance of the State institutions and departments through the major appropriation bills; and

Whereas, It is imperative in the interest of sound economy that the appropriation bills be fully considered and passed as early as possible to the end that the necessary expenditures for the next biennium can be determined before any revenue bearing measures are considered by this Legislature; now, therefore, be it

Resolved, That for and during the term of the Forty-fourth Legislature, it shall be mandatory upon the Finance Committee of the Senate and the Appropriations Committee of the House and the presiding officers of each of said respective bodies to report out to each of said two houses all general appropriation bills for the biennium ending August 31, 1937, on or before March 25, 1935, and the consideration of such bills shall be the first order of business in each House until finally acted upon.

FAIN,
MOFFETT,
DAVISON of Fisher.

The resolution was read second time, and was referred by the Chair to the Committee on Rules.

INVITING HON. WILL ROGERS TO ADDRESS THE LEGISLATURE

Mr. Davison of Fisher offered the following resolution:

H. C. R. No. 14, Inviting Hon. Will Rogers to address the Legislature.

Whereas, The Hon. Will Rogers, our well known comedian, radio entertainer and beloved citizen will be in the city of Austin on January 22; and

Whereas, He is brought here to assist in the worthy cause of raising funds for the crippled children of Texas; and

Whereas, Many of his personal friends are numbered among the membership of this House who would appreciate his appearance in the House for a talk with the members of the House of Representatives and the Senate of Texas; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said Will Rogers be invited to address the Legislature, in Joint Session, on the afternoon of January 22, at an hour suitable to this body, and the convenience of the distinguished guest.

DAVISON of Fisher,
SETTLE.

The resolution was read second time, and was adopted.

MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read, the following message from the Governor:

Executive Office,

Austin, Texas, January 16, 1935.

To the Forty-fourth Legislature of the State of Texas:

I hereby submit to you as an emergency matter and for your immediate consideration Senate Bill No. 68, which has heretofore been introduced and which is now pending, being:

A bill to be entitled "An Act creating the Special District Court of Smith County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the Seventh Judicial District of Smith County; and from the Special District Court to the Seventh Judicial District of Smith County; providing for the district clerk of Smith County and his successor in office to be the clerk for said Special District Court in said county; providing that the district attorney of

the District Court of Smith County, and in his absence or inability, the county attorney of Smith County shall represent the State in said Special District Court in said county; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

From my experience as Attorney General of this State and within my knowledge, the creation of this temporary court for a period of time of four (4) years from the effective date of the Act, is absolutely necessary in order that the overwhelming amount of business in the county can be properly handled.

A little over two years ago a Special District Court for Smith County was created, and this court automatically expired just a few weeks ago.

At this time there is only one district court to handle the business of the three counties of Smith, Wood, and Upshur, and with the large number of criminal cases pending, the present Seventh Judicial Court, which serves the three counties just mentioned, cannot possibly handle the business which should be immediately disposed of. It is my opinion from a careful study of the situation, and from my experience, that the law authorizing the transfer of judges from one district to another is entirely inadequate to handle the situation as it now exists in this territory.

Respectfully submitted,

JAMES V. ALLRED,
Governor.

CONSIDERATION OF HOUSE CON- CURRENT RESOLUTION NO. 13

Mr. Pope offered the following resolution:

H. C. R. No. 13, To provide that certain bill shall become effective immediately.

Whereas, House Bill No. 7 has passed both houses of the Legislature at the Fourth Called Session of the Forty-third Legislature, but failed to receive sufficient votes in the Senate to put same into immediate effect; and

Whereas, By the terms of said Act all penalties and interest are released on taxes delinquent on or before

August 1, 1934, if paid on or before March 15, 1935, and as stated in said House Bill No. 7; and

Whereas, The people of Texas who owe delinquent taxes are entitled to the immediate benefit of said Act releasing interest and penalties thereon; and

Whereas, There are pending at this time many applications for loans with the Home Owners Loan Corporation and other loan institutions, and such loans can not be closed unless and until said interest and penalties on said delinquent taxes are released; and

Whereas, Section 39 of Article III of the Constitution of the State of Texas provides that laws passed by the Legislature shall take effect and go into force ninety days after the adjournment of the session at which they are enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the Act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; and

Whereas, The emergency is a part of, and expressed in the body of, said House Bill No. 7; now, therefore, be it

Resolved by the Legislature, by an affirmative vote of two-thirds of all the members elected to each house, hereby directs That said House Bill No. 7 be in full force and effect from and after the passage of this resolution; the votes thereon to be taken by yeas and nays and entered upon the Journals of the respective houses; the purpose of this resolution being to put said House Bill No. 7 into immediate effect without waiting for the expiration of the ninety-day period immediately following the adjournment of the Fourth Called Session of the Forty-third Legislature; be it further

Resolved by the Legislature of the State of Texas, That all tax collectors of the State, any county, city, school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district and other defined subdivisions of the State be, and they are hereby, directed to follow the directions hereof, and accept payment from all persons of all delinquent ad valorem and poll taxes that were delinquent on August 1, 1934, without paying any

of the penalties or interests or costs which were released by the terms of said House Bill No. 7, just as provided in said House Bill No. 7, when this resolution is signed by the Governor and filed in the office of the Secretary of State; and such tax collectors shall give proper receipts therefor; and be it further

Resolved, That when this resolution is finally passed, this resolution shall be printed by the Secretary of State and a copy forwarded to each tax collector of the various taxing subdivisions of Texas; and be it further

Resolved, That in case any clause, sentence or part of this resolution shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this resolution, but such validity shall be confined in its operation to the clause, sentence, or part thereof directly declared invalid; and be it further

Resolved, That said House Bill No. 7, including this resolution, is an emergency measure and such emergency is hereby declared for the reasons herein and in said House Bill No. 7 stated; and on account of such emergency an imperative public necessity demands that the constitutional rule requiring all bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and said House Bill No. 7 and this resolution shall be in force and take effect from and after the passage hereof, and it is so enacted.

The resolution was read, and was adopted.

Mr. Pope moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House Concurrent Resolution No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adamson	Bradford
Adkins	Broyles
Aikin	Burton
Alexander	Butler of Brazos
Alsup	Butler of Karnes
Atchison	Cagle
Beck	Caldwell
Bergman	Calvert
Bourne	Canon
Bradbury	Celaya

Clayton	Knetsch
Collins	Lange
Colson	Lanning
Craddock	Latham
Crossley	Leath
Daniel	Lemens
Davis	Leonard
Davison of Fisher	Lindsey
Davisson	Lotief
of Eastland	Lucas
Dickison	Luker
Dunagan	Mauritz
Dunlap of Hays	McCalla
Dunlap of Kleberg	McFarland
England	Moffett
Fain	Morris
Farmer	Morrison
Fisher	Newton
Fitzwater	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Petsch
Gibson	Pope
Glass	Quinn
Good	Reader
Graves	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hardin	Roark
Harris of Archer	Roberts
Harris of Dallas	Rogers
Hartzog	Russell
Head	Rutta
Herzik	Scarborough
Hill	Settle
Hodges	Shofner
Hofheinz	Smith
Holland	Spears
Hoskins	Stanfield
Howard	Steward
Huddleston	Stinson
Hughes	Stovall
Hunt	Tarwater
Hunter	Venable
Hyder	Walker
Jackson	Westfall
James	Wood of Harrison
Jefferson	Wood of Montague
Jones of Falls	Worley
Jones of Runnels	Young
Jones of Shelby	Youngblood
Jones of Wise	

Present—Not Voting

Roane

Absent

Ash	Keefe
Colquitt	McKee
Cooper	Morse
Cowley	Moore
Duvall	Palmer
Dwyer	Patterson
Ford	Payne
Jones of Atascosa	Riddle

Tennyson
Thornton

Waggoner
Wells

Absent—Excused

King
McConnell

Tillery

The Chair then laid House Concurrent Resolution No. 13 before the House, it was read third time, and was passed by the following vote:

Yeas—119

Adamson	Howard
Adkins	Huddleston
Aikin	Hughes
Alexander	Hunter
Alsup	Hyder
Beck	Jackson
Bergman	James
Bourne	Jefferson
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Jones of Runnels
Burton	Jones of Shelby
Butler of Brazos	Jones of Wise
Butler of Karnes	Knetsch
Cagle	Lange
Calvert	Lanning
Canon	Leath
Clayton	Lemens
Collins	Leonard
Craddock	Lindsey
Crossley	Lotief
Davison of Fisher	Lucas
Davisson	Luker
of Eastland	Mauritz
Dickison	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
England	Moffett
Fain	Morris
Farmer	Morrison
Fisher	Newton
Fitzwater	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Petsch
Gibson	Pope
Glass	Quinn
Good	Reader
Graves	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hardin	Roane
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Head	Russell
Herzik	Rutta
Hill	Scarborough
Hodges	Settle
Hofheinz	Shofner
Holland	Smith
Hoskins	Spears

Stanfield
Steward
Stinson
Stovall
Tarwater
Venable
Walker

Wells
Westfall
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Absent

Ash	Hunt
Atchison	Keefe
Caldwell	Latham
Celaya	McKee
Colquitt	Moore
Colson	Morse
Cooper	Palmer
Cowley	Patterson
Daniel	Payne
Davis	Riddle
Dunagan	Tennyson
Duvall	Thornton
Dwyer	Waggoner
Ford	

Absent—Excused

King Tillery

PROVIDING FOR DAILY HOUSE JOURNALS

Mr. Leonard offered the following resolution:

Whereas, The House of Representatives adopted on Friday, January 11, 1935, a simple resolution providing for the printing of nine hundred copies daily of the House Journal; and

Whereas, It has been determined that this number will not be sufficient to service the members of the House, who wish to mail copies to their districts; now, therefore, be it

Resolved, That the Committee on Contingent Expenses be empowered to have printed eleven hundred copies daily of the House Journal to be distributed as directed by the Speaker; and be it further

Resolved, That there be printed one hundred additional copies of the Journal of the Fourth Day of this Session.

The resolution was read second time, and was adopted.

CONCERNING CERTAIN QUESTIONNAIRE

Mr. Russell offered the following resolution:

H. C. R. No. 6, Concerning certain questionnaire for members.

Whereas, It is one of the most sacred tenets of the Democratic faith

that man cannot serve two masters at one and the same time; and

Whereas, It is commonly believed and talked throughout the State that members of the Legislature are representing interests that are antagonistic to, and conflicting with, the interests of the masses of the people by whom the members of the Legislature are elected; and

Whereas, The Democratic Party of the State of Texas has gone on record opposing such practice by the members of the Legislature; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Speaker of the House of Representatives and the President of the Senate appoint a committee of six (6) members, three (3) from each body, who shall be authorized and empowered to draft a form of questionnaire which shall be in such form as will show, when answered, the trade, occupation, or profession of the member preparing it, and the names of any organization, corporation, or association by which that member is retained and from which he accepts any retainer or salary on a monthly, yearly or constituent basis at the time of the taking the oath of office; and be it further

Resolved, That answers to the questions propounded by the committee through its questionnaire shall be made under oath; and be it further

Resolved, That the committee authorized to secure this information be directed to make a full and complete report to the House and Senate, which report shall be printed in the House and Senate Journals.

RUSSELL,
JAMES,
LINDSEY,
FRAZER.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—122

Adamson	Broyles
Aikin	Burton
Alexander	Butler of Brazos
Ash	Butler of Karnes
Atchison	Cagle
Beck	Calvert
Bourne	Canon
Bradbury	Clayton
Bradford	Collins

Colquitt	Lemens
Craddock	Leonard
Crossley	Lindsey
Daniel	Lotief
Davis	Lucas
Davison of Fisher	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
England	McKee
Fain	Moffett
Farmer	Morris
Fisher	Morrison
Fitzwater	Newton
Ford	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Patterson
Gibson	Petsch
Glass	Pope
Good	Quinn
Graves	Reader
Gray	Reed of Bowie
Greathouse	Reed of Dallas
Hankamer	Riddle
Hardin	Roach of Angelina
Harris of Archer	Roach of Hunt
Harris of Dallas	Roane
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hodges	Rutta
Hofheinz	Scarborough
Holland	Settle
Hoskins	Shofner
Huddleston	Smith
Hughes	Spears
Hunter	Stanfield
Hyder	Steward
Jackson	Stinson
James	Stovall
Jefferson	Tarwater
Jones of Atascosa	Tennyson
Jones of Falls	Walker
Jones of Runnels	Wells
Jones of Wise	Westfall
Knetsch	Wood of Harrison
Lange	Wood of Montague
Lanning	Worley
Latham	Young
Leath	Youngblood

Absent

Adkins	Howard
Alsup	Hunt
Bergman	Jones of Shelby
Caldwell	Keefe
Celaya	Moore
Colson	Morse
Cooper	Palmer
Cowley	Payne
Davisson	Roark
of Eastland	Thornton
Duvall	Venable
Dwyer	Waggoner
Hill	

Absent—Excused

King

Tillery

CONCERNING ERECTION OF CERTAIN STAND IN CAPITOL BUILDING

The Chair laid before the House as unfinished business, for consideration at this time,

H. C. R. No. 9, Concerning the erection of certain cigar stand in Capitol Building.

The resolution having heretofore been read second time, with motion by Mr. Pope that the resolution be referred to the Committee on Public Lands and Buildings, and motion by Mr. Moffett to table the motion to refer the resolution, pending.

Mr. Moffett withdrew the motion to table.

On motion of Mr. Frazer, the motion to refer the resolution was tabled.

Mr. Moffett offered the following amendment to the resolution:

Amend the resolution by striking out all below the resolving clause and substituting the following:

Be it resolved by the House of Representatives of the Forty-fourth Legislature of the State of Texas, the Senate concurring, That the Legislature permit Joe B. Friedel, who is a blind citizen of Texas and a World War veteran, to erect, maintain, and operate a cigar stand in the lobby on the ground floor of the State Capitol Building, located in Austin, Texas. The privilege granted for said cigar stand to be limited during the term of the Forty-fourth Legislature. The said cigar stand and the articles to be sold to be under the supervision of the Board of Control at all times. This privilege to Joe B. Friedel is not to be transferable and shall be subject to revocation by the Legislature at its will.

The amendment was adopted.

Mr. Hodges offered the following amendment to the resolution:

Amend resolution by striking out the words "Joe B. Friedel" wherever they appear and inserting in lieu thereof the words "Tom E. Hicks."

HODGES,
BROYLES.

Mr. Lanning moved to table the amendment by Mr. Hodges.

Mr. Hunt raised a point of order on further consideration of the amendment by Mr. Hodges, on the ground that the amendment is not germane to the resolution.

The Chair sustained the point of order.

Mr. Fain moved the previous question on the pending amendments, amendments on the Speaker's desk, and the resolution, and the main question was ordered.

Mr. Venable raised a point of order on further consideration of the resolution at this time, on the ground that the resolution violates certain constitutional provisions.

The Chair overruled the point of order.

Mr. McKee offered the following amendment to the resolution:

Amend the resolution by providing:

"It is distinctly understood that only cigars, cigarettes and pipe tobaccos will be sold under the terms of the resolution."

The amendment was lost.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—88

Adamson	Hill
Adkins	Hofheinz
Aikin	Holland
Alexander	Hughes
Bourne	Hunt
Burton	Hunter
Butler of Brazos	Hyder
Butler of Karnes	Jefferson
Cagle	Jones of Atascosa
Caldwell	Jones of Falls
Canon	Jones of Wise
Celaya	Keefe
Collins	Knetsch
Colson	Lanning
Craddock	Latham
Daniel	Leath
Davis	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Mauritz
Duvall	McConnell
England	McFarland
Fain	Moffett
Fisher	Morrison
Fitzwater	Morris
Ford	Newton
Fox	Olsen
Frazer	Patterson
Fuchs	Quinn
Gibson	Reed of Bowie
Glass	Reed of Dallas
Gray	Roach of Angelina
Hardin	Roark
Harris of Archer	Rogers
Harris of Dallas	Rutta
Head	Scarborough

Settle	Walker
Shofner	Wells
Smith	Westfall
Spears	Wood of Harrison
Stanfield	Wood of Montague
Stinson	Worley
Tennyson	Young
Thornton	Youngblood
Waggoner	

Nays—28

Bergman	Luker
Bradbury	McCalla
Bradford	McKee
Broyles	Padgett
Crossley	Petsch
Dunlap of Hays	Pope
Farmer	Reader
Greathouse	Roach of Hunt
Hodges	Roane
Howard	Roberts
Huddleston	Russell
James	Steward
Jones of Runnels	Stovall
Lemens	Venable

Absent

Alsop	Hankamer
Ash	Hartzog
Atchison	Herzik
Beck	Hoskins
Calvert	Jackson
Clayton	Jones of Shelby
Colquitt	Lange
Cooper	Leonard
Cowley	Moore
Dickison	Morse
Dunagan	Nicholson
Dunlap of Kleberg	Palmer
Dwyer	Payne
Good	Riddle
Graves	Tarwater

Absent—Excused

King	Tillery
------	---------

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, January 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 68, A bill to be entitled "An Act creating the Special District Court of Smith County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the

Seventh Judicial District of Smith County; and from the Special District Court to the Seventh Judicial District of Smith County; providing for the district clerk of Smith County and his successor in office to be the clerk for said Special District Court in said county; providing that the district attorney of the District Court of Smith County, and in his absence or inability, the county attorney of Smith County shall represent the State in said Special District Court in said county; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO MAKE CERTAIN RECOMMENDATION TO UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. Quinn offered the following resolution:

H. C. R. No. 16, Concerning acreage to be planted in rice.

Whereas, It has become known to the Legislature of Texas that the United States Department of Agriculture, in limiting the acreage to be planted in wheat, corn, and cotton, assigns and prorates that quota to be planted in corn and cotton to the land heretofore planted to such crops; and

Whereas, The United States Department of Agriculture has heretofore assigned, and now proposes to assign, the quota of acreage to be planted to rice to individuals heretofore engaged in the business of planting rice; and

Whereas, There exists, in the opinion of the Legislature of Texas, no reason why such difference should exist in the plan with respect to the control and limitation of said crops; and

Whereas, The Legislature of Texas is in favor of making the system of controlling the acreage for rice, wheat, corn, and cotton the same as heretofore applied to cotton, wheat, and corn, with respect to assigning the quota to the land instead of the individual; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of Texas recommend to the Department of Agriculture of the United States and request it to assign the acreage to be planted in rice to the land adapted to the cultivation of rice in fair proportions, based upon the acreage heretofore planted to rice on said land, as applied to wheat, corn, and cotton acreage, and that a copy of this resolution be forwarded to the Secretary of Agriculture of the United States.

Signed—Quinn, Nicholson, Olsen, Gray, Bradbury, Reader, Glass, Jones of Atascosa, Fuchs.

The resolution was read second time.

Mr. McKee moved that the resolution be referred to the Committee on Federal Relations.

Mr. Quinn moved to table the motion to refer the resolution.

The motion to table was lost.

Question recurring on the motion to refer the resolution to the Committee on Federal Relations, it prevailed.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 68, to the Committee on Judicial Districts.

RELATIVE TO HOUSE BILL NO. 73

By unanimous consent of the House, the names of Messrs. Shofner, Hankamer, and Clayton were added to House Bill No. 73 as signers of same.

RELATIVE TO HOUSE JOINT RESOLUTION NO. 6

By unanimous consent of the House, the name of Mr. Huddleston was added to House Joint Resolution No. 6, as one of the signers thereof.

ADJOURNMENT

Mr. Pope moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Hyder moved that the House adjourn until 2 o'clock p. m., tomorrow.

Question first recurring on the motion of Mr. Pope, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—79

Alexander	Jones of Shelby
Alsup	Knetsch
Bourne	Lanning
Bradbury	Latham
Bradford	Leath
Bourne	Lindsey
Burton	Lotief
Butler of Karnes	Lucas
Canon	Luker
Celaya	Mauritz
Collins	McCalla
Colson	McConnell
Cooper	McKee
Cowley	Moffett
Daniel	Morrison
Davis	Newton
Dickison	Patterson
Dunagan	Pope
Duvall	Quinn
England	Reader
Farmer	Reed of Bowie
Fisher	Roach of Hunt
Fitzwater	Roane
Fox	Roark
Fuchs	Roberts
Glass	Rutta
Greathouse	Scarborough
Harris of Dallas	Smith
Hartzog	Stanfield
Head	Stovall
Hill	Tarwater
Hodges	Venable
Hofheinz	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunter	Wood of Harrison
James	Wood of Montague
Jefferson	Young
Jones of Runnels	Youngblood

Nays—39

Adamson	Hardin
Adkins	Harris of Archer
Aikin	Holland
Atchison	Hughes
Bergman	Hyder
Broyles	Jackson
Colquitt	Jones of Falls
Craddock	Jones of Wise
Crossley	Keefe
Davison of Fisher	Lemens
Dunlap of Hays	Moore
Fain	Morris
Ford	Olsen
Good	Roach of Angelina
Gray	Rogers
Hankamer	Russell

Settle
Shofner
Spears
Steward

Stinson
Thornton
Worley

Present—Not Voting

Cagle

Absent

Ash	Hunt
Beck	Jones of Atascosa
Butler of Brazos	Lange
Caldwell	Leonard
Calvert	McFarland
Clayton	Morse
Davisson	Nicholson
of Eastland	Padgett
Dunlap of Kleberg	Palmer
Dwyer	Payne
Frazer	Petsch
Gibson	Reed of Dallas
Graves	Riddle
Herzik	Tennyson

Absent—Excused

King

Tillery

The House accordingly at 3:50 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, January 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 12, Providing for a joint session of the House and Senate at 2:30 p. m., Wednesday, January 16, 1935, to hear the Governor's message,

Has carefully compared same and finds it correctly enrolled.

LOUISE SNOW PHINNEY,

For Chairman.

In Memory of Hon. J. J. Elliott

Mr. James offered the following resolution:

Whereas, The Hon. J. J. Elliott of Milam County was called to his eternal reward on the 29th day of December, 1934, at the end of a long and active life; and

Whereas, He had been honored by the people of his district by being called upon to serve in the Legislature of this State on two different occasions, the last service having been in the Forty-second Legislature. Therefore, be it

Resolved, That while we regret his passing, we shall remember his energy, his happy disposition, his genial manner and his devotion to duty, and his many admirable traits of character; that we know that in his passing he was sincere in the beliefs that he adhered to during the years of his pilgrimage here, and we join in wishing for him a safe entrance to that "house not made with hands."

Resolved further, That these resolutions be accorded a page in the Journal of the House, and when it adjourns today, it will do so in honor of his memory.

JAMES,
NEWTON,
HOSKINS.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Howard, Huddleston, Hughes, Hunt, Hunter, Hyder, Jackson, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, Moffett, Moore, Morris, Morrison, Morse, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Fuchs, the names of all the members of the House were added to the resolution as signers thereof:

The resolution was unanimously adopted.